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Creates Tough Choices For **ENVIRONMENTAL**  
Agencies [WARNING:  
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Wednesday, March 29, 2017



## TOP NEWS

### Analysis

#### Trump Energy Order Creates Tough Choices For Agencies

President Donald Trump ordered his administration Tuesday to review and possibly rescind several Obama-era energy rules and policies, some of which are already embroiled in litigation, but exactly how Trump's agencies will go about carrying out the anticipated rollback remains unclear.

#### 5th Circ. Revives Crawfish Farmers' Pipeline Dredging Suit

The Fifth Circuit on Tuesday revived a suit brought by Louisiana crawfish farmers accusing a Kinder Morgan unit of damaging fisheries with dredging activities, saying a lower court should have reconsidered its dismissal after the farmers submitted an admission of dredging by the pipeline operator.

#### Judge Dumps NY Town's CERCLA Suit Against Landscapers

A New York federal judge on Tuesday freed three groups of farmers and landscapers accused of illegally dumping truckloads of hazardous waste in a Suffolk County park from a lawsuit brought by the town of Islip, saying there's no proof the defendants knew the material was toxic.

#### Pa. Justices Won't Revive Citizens' Bid For Enviro Study

The Pennsylvania Supreme Court on Tuesday batted down an appeal from a group of state residents seeking a court order requiring the governor's office and several state regulators to conduct studies and develop plans to reduce greenhouse gases, upholding a lower court's decision that the petitioners do not have a clear right to have these requests satisfied.

#### Trump Signs Order Targeting Obama's Climate Legacy

President Donald Trump signed a sweeping executive order on Tuesday that directed the U.S. Environmental Protection Agency to start rolling back the Clean Power Plan, lifted the Obama administration's moratorium on coal leasing on federal lands and told the Department of the Interior to

## LAW FIRMS

Akerman  
Akin Gump  
Arnold & Porter Kaye Scholer  
Baker Botts  
Barrasso Usdin  
Belin McCormick  
Dechert  
Dentons  
Dewey & LeBoeuf  
Earthjustice  
Fredericks Peebles  
German Rubenstein  
Germano & Cahill  
Gibson Dunn  
Greenberg Traurig  
Hinshaw & Culbertson  
Holland & Hart  
Jaspan Schlesinger  
Joseph Joy & Associates  
Kean Miller  
Kirkland & Ellis  
Klehr Harrison  
McCarter & English  
McGuireWoods  
Meyer Glitzenstein  
Morrison & Foerster  
Norton Rose Fulbright

consider rescinding its rule regulating hydraulic fracturing on public and tribal lands.

## POLICY & REGULATION

### **Maryland Poised To Indefinitely Ban Fracking**

Maryland state lawmakers on Monday approved legislation that would indefinitely ban hydraulic fracturing in the state, a bill that has the support of Gov. Larry Hogan and that, if signed, would represent the first state legislative ban of the controversial drilling technique.

### **Fla. Bill To Let Utilities Invest In Fracking Advances**

A bill supported by Florida Power & Light Co. that would provide a path for the utility to charge customers for investments in natural gas fracking wells outside the state passed a Florida House panel in a tight vote Tuesday despite broad consumer opposition.

## LITIGATION

### **Tire Cos. Lose Bid For Feds' Exchanges With 'Lying' Expert**

An Iowa federal judge on Monday rejected an attempt by Titan Tire Corp. and parent company Dico Inc. to force the federal government to hand over its correspondence with an environmental consultant before an upcoming trial over their alleged sale of buildings to get rid of polychlorinated biphenyl contamination.

### **Feds Ordered To Release More Water For Vulnerable Fish**

An Oregon federal judge ruled Monday that, beginning in the spring of 2018, the U.S. government must boost water releases over spillways at a series of eight dams along the Columbia and Snake rivers in an effort to increase the survival of threatened salmon and steelhead that migrate up and down the waterways.

### **Judge Denies FWS Bid To Shut Down Coastal Marten ESA Suit**

A California federal judge on Tuesday denied a bid by the U.S. Fish and Wildlife Service to toss allegations that it made an unreasonable decision in not extending Endangered Species Act protection to the coastal marten, agreeing with the Center for Biological Diversity that the agency erroneously concluded that the animal's population was "robust."

### **Bird Groups Sue to Block Lake Erie Wind Turbine Project**

The Ohio Air National Guard was hit with a lawsuit by two major bird conservation groups in D.C. federal court on Monday over the Guard's plans to build and run a wind turbine in a major bird migration corridor at its base on Lake Erie.

### **Tribal Group, Enviros Challenge Keystone XL Permit**

An indigenous peoples group and a conservation group sued the federal government on Monday over the U.S. Department of State's approval of a permit for TransCanada Corp.'s Keystone XL pipeline, saying the project presents great risks for the environment and to human health.

### **Nev. Recycler's Competition Claims Against Rivals, Reno Axed**

Nossaman LLP  
Seward & Kissel  
Skadden  
Sullivan & Cromwell  
Venable LLP  
Young Conaway

## COMPANIES

AARP Inc.  
Adidas AG  
American Bar Association  
American Express Company  
Apple Inc.  
Association of Corporate Counsel  
Center for Biological Diversity Inc.  
Corporation for Public Broadcasting  
Dow Chemical Co.  
Duke Energy Corporation  
ERM Group Inc.  
Energy Transfer Partners, L.P.  
Ernst & Young  
Florida Power & Light Co.  
Freeport-McMoRan Inc.  
Google Inc.  
Hewlett Packard Enterprise Co.  
International Speedway Corporation  
Kinder Morgan  
Massachusetts Bay Transportation Authority  
Microsoft Corporation  
National Association of Home Builders  
National Wildlife Federation  
NextEra Energy Inc.  
Rockland Capital LLC  
Sierra Club  
Starbucks Corporation  
Symantec Corporation  
TransCanada Corporation  
Twitter Inc.  
Volkswagen  
Waste Management, Inc.  
Zeughauser Group LLC

## GOVERNMENT AGENCIES

Army Corps of Engineers

A Nevada federal judge on Monday threw out the bulk of claims in a suit brought by Green Solutions Recycling that accused rival recycling companies and the city of Reno of colluding to limit competition and fix prices for recyclable materials, saying that the complaint lacked specific allegations against some defendants and factual support against others.

### **Cos. Urge Court To Toss Action Over Smelting Contaminants**

Three companies urged a New Jersey federal court Tuesday to toss a putative class action brought against them by Carteret, New Jersey, residents over environmental contamination from a defunct smelting plant, claiming the lawsuit fails to specify the alleged conduct of each business and instead lumps the parties together.

### **Sioux Can't Step Into Dakota Pipeline Row, Army Corps Says**

The U.S. Army Corps urged a D.C. federal judge Monday not to allow a group of Sioux tribe members to step into a challenge to the agency's approvals for the Dakota Access pipeline in North Dakota, arguing that the members are already adequately represented by two tribes and that claims against President Donald Trump would slow down the case.

### **NJ Official Sues Online Critics Over Pipeline Vote Bashing**

A New Jersey Pinelands Commission member has brought a defamation suit in New Jersey state court against 14 people over online criticism of her vote to approve South Jersey Gas' contentious proposal for a pipeline in an environmentally sensitive region, saying the remarks have damaged her livelihood as a realtor.

### **Powertech Backs Feds' Bid To Nix Uranium Mine Challenge**

Powertech on Monday urged the D.C. Circuit to toss the Oglala Sioux Tribe's suit against the federal government challenging an environmental assessment and license given to the company to operate a South Dakota uranium mine, arguing there was never a final decision issued.

### **NJ Green Group Appeals Agency's Gas Pipeline Approval**

A New Jersey environmental group on Tuesday appealed a state commission's approval last month of South Jersey Gas' proposed 21.6-mile natural gas pipeline that would traverse the state's Pine Barrens, arguing chiefly that the system would violate rules protecting the region's natural resources.

### **Investors Jumping The Gun With Judgment Bid, VW Says**

Volkswagen AG has asked a California federal judge to defer ruling on whether the automaker intentionally made false statements about its emissions standards to investors, saying the shareholders' motion for judgment should wait until after Volkswagen's bid to dismiss the case is decided.

### **Sungevity Creditors Say Ch. 11 Auction Plan Chills Bidding**

Unsecured creditors of Sungevity Inc. objected Tuesday in Delaware to the rooftop solar company's planned auction and bid procedures, saying the timeline is too short to allow entities other than a stalking horse venture to make offers.

## **PEOPLE**

### **Greenberg Traurig Lures Enviro Pro From Holland & Hart**

Bureau of Reclamation  
Cheyenne River Sioux Tribe  
Council on Environmental Quality  
Executive Office of the President  
Fish and Wildlife Service  
Legal Services Corp.  
National Marine Fisheries Service  
New Jersey Board of Public Utilities  
Nez Perce Tribe  
Nuclear Regulatory Commission  
Oglala Sioux Tribe  
Pennsylvania Department of Environmental Protection  
Pennsylvania Public Utility Commission  
Pennsylvania Supreme Court  
Standing Rock Sioux Tribe  
U.S. Army  
U.S. Customs and Border Protection  
U.S. Department of Energy  
U.S. Department of Justice  
U.S. Department of State  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Environmental Protection Agency  
U.S. Senate  
U.S. Supreme Court

Greenberg Traurig LLP said Monday it has bolstered its government and environmental practices by picking up an experienced environmental policy lawyer and former U.S. Department of the Interior special assistant to the solicitor from Holland & Hart LLP.

## LEGAL INDUSTRY

### Analysis

#### How To Get A Foothold In The NY Legal Market

The classic song "New York, New York" proclaims, "If I can make it there, I'll make it anywhere," and many law firms have taken that mantra to heart as they attempt to gain traction in the brutally competitive New York legal market. Here, firms that have made it in the Big Apple offer tips to those still seeking their big break.

### Analysis

#### What GCs Can Learn From Legal Operations Pros

It's the job of legal operations directors to ensure the law department runs at peak efficiency and effectiveness, so it's no surprise that they're full of wisdom about how in-house teams can improve. Here are three legal operations professionals' top tips.

#### Senate Set For Gorsuch Showdown Next Week

U.S. Senate leaders have vowed a showdown over the nomination of Tenth Circuit Judge Neil Gorsuch next week, promising a fight on Tuesday over President Donald Trump's choice to fill the late Justice Antonin Scalia's seat on the U.S. Supreme Court.

#### Dewey Cooperator Says He Never Told CFO Of Fraud

The former controller for Dewey & LeBoeuf LLP on Tuesday told a Manhattan jury that he never told former Dewey Chief Financial Officer Joel Sanders that the law firm wasn't in compliance with its lending agreements, as the retrial of Sanders and former Dewey Executive Director Stephen DiCarmine neared the two-month mark.

#### GCs Ask Congress To Fund Legal Services Despite Trump Cut

In the face of a proposal by President Donald Trump to fully eliminate federal funding for the the Legal Services Corp., general counsel from more than 180 major companies including Google, Adidas and Starbucks Corp. on Tuesday urged Congress to fully support the organization in the upcoming fiscal year.

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